

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHELLE LEE TANNLUND, on behalf of)
herself and all others similarly situated,)
Plaintiff,) Case No. 1:14-cv-5149
v.)
REAL TIME RESOLUTIONS, INC.,) Hon. Judge James B. Zagel
Defendant.)

**ALTERNATIVE MOTION OF
REAL TIME RESOLUTIONS, INC. TO TRANSFER VENUE**

REAL TIME RESOLUTIONS, INC. (“Real Time”), by and through undersigned counsel, submits this Alternative Motion to Transfer Venue pursuant to 28 U.S.C. § 1404(a).¹ In support, Real Time respectfully states as follows:

1. On July 7, 2014, Michelle Lee Tannlund initiated this action by filing a putative class action complaint against Real Time in this Court. The complaint alleges that Real Time contacted Plaintiff—and others supposedly similarly situated—on her cellular telephone without Plaintiff’s consent, in violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*

2. As shown below and as more fully established in Real Time’s accompanying memorandum of law in support, there are, quite simply, no ties to this District, and transfer to the Northern District of Texas is warranted.

¹ Contemporaneous with this motion to transfer, Real Time is filing an Answer [DE 11] and a Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c) [DE 12]. In the event that this Court decides not to enter judgment in its favor, Real Time requests that this case be transferred to the United States District for the Northern District of Texas.

3. As an initial matter, Plaintiff alleges that she resides (and has resided at all relevant times) in the State of California.

4. Real Time is incorporated in the State of Texas and its principal place of business is in Dallas, Texas.

5. All of Real Time's representatives that worked on Plaintiff's account work and reside in or around the greater metropolitan area of Dallas, Texas.

6. Moreover, all the individuals Real Time expects would testify at trial reside in or around the greater metropolitan area of Dallas, Texas and far outside the Northern District of Illinois, and most, if not all, of the evidence concerning contacts with Plaintiff by Real Time are maintained in Texas.

7. No witnesses or third-party with knowledge of the allegations in the Complaint reside in the Northern District of Illinois, which means that any such witnesses or third parties are beyond the subpoena power of this Court.

8. It will be more expensive and much less convenient for Real Time to litigate in the Northern District of Illinois

9. The Northern District of Texas has subject matter jurisdiction over this TCPA action pursuant to 28 U.S.C. § 1331.

10. Venue is also proper in the Northern District of Texas pursuant to 28 U.S.C. § 1331(c)(2) because Real Time is a corporation that "resides" in that District and is subject to personal jurisdiction there.

11. Therefore, for the convenience of the parties and witnesses, and in the interests of justice, this civil action should be transferred to the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1404(a).

WHEREFORE, REAL TIME RESOLUTIONS, INC. respectfully requests this Honorable Court—in the event it does not grant judgment in Real Time's favor—to transfer this civil action from the Northern District of Illinois to the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1404(a) and to award all other relief deemed equitable and just.

Dated: August 1, 2014

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By: /s/ David S. Almeida
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **ALTERNATIVE MOTION OF REAL TIME RESOLUTIONS, INC. TO TRANSFER VENUE** was served upon all interested parties using this Court's ECF filing system this 1st day of August, 2014.

/s/ David S. Almeida